

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TIMOTHY KRAFT,

Plaintiff,

**ANSWER TO CROSS-
CLAIMS**

-against-

07 CV 2978 (DC)

THE CITY OF NEW YORK, P.O. BRETT BARA, P.O.
JOSE BUENO, P.O.s JOHN AND JANE DOE #1-10,
individually and in their official capacities (the names John
and Jane Doe being fictitious, as the true names are
presently unknown), THE NEW YORK CITY HEALTH
AND HOSPITALS CORPORATION, DR. ELI
GREENBERG, DR. FADI HADDAD, DR. ALYSON
MALLOY, DR. AMY COHEN, and HHC PERSONNEL
JOHN and JANE DOE #11-20, E.M.S. SUPERVISOR
JOHN DOE #21, COMMON GROUND COMMUNITY
H.D.F.C, INC., CENTER FOR URBAN COMMUNITY
SERVICES, ROSANNE HAGGERTY, STACY NERI,
DAWN BRADFORD, NANCY PORCARO, ORETHA
FRANKLIN, and MICHAEL GIORDANO,

Defendants.

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Defendants the City of New York and the New York City Health and Hospitals
Corporation (together, "City Defendants"), by their attorney, Michael A. Cardozo, Corporation
Counsel of the City of New York, for their Answer to the Cross Claims brought by Common
Ground Community H.D.F.C, Inc., Rosanne Haggerty, Nancy Porcaro, Oretha Franklin, and
Michael Giordano as set forth in their answer dated June 27, 2007, respectfully allege as follows:

Deny the allegations set forth in each and every cross-claim.

FIRST AFFIRMATIVE DEFENSE

1. The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

2. City Defendants have not violated any of plaintiff's rights, privileges or immunities under the U.S. Constitution, the laws of the United States, the New York Constitution, or any laws of the New York.

THIRD AFFIRMATIVE DEFENSE

3. At all times relevant to the acts alleged in the Complaint, City Defendants acted reasonably, properly, lawfully, and in good faith.

FOURTH AFFIRMATION DEFENSE

4. City Defendants exercised reasonable care and breached no duties.

FIFTH AFFIRMATIVE DEFENSE

5. Cross-Plaintiff has failed to comply with a conditional precedent.

SEVENTH AFFIRMATIVE DEFENSE

6. Any injuries alleged in the Complaint were caused, in whole or part, by culpable or negligent conduct of plaintiff and/or persons other than City Defendants.

WHEREFORE, the City Defendants request judgment as follows:

- A. in favor of City Defendants dismissing the cross claims and denying all relief requested therein;
- B. for costs, fees and such other disbursements; and
- C. for such other and further relief as the Court deems just and proper.

Dated: New York, New York
July 18, 2007

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
City of New York, and
New York City Health and Hospital Corporation
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By:



Elizabeth A. Wells
Assistant Corporation Counsel